

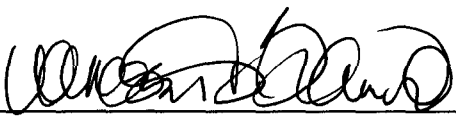
David J. Bradley, Clerk

Rule 41(g) states that a motion to return property “must be filed in the district where the property was seized.” Fed. R. Crim. P. 41(g). In *United States v. Max Ary*, the criminal case in which the bag was seized, Plaintiff filed a motion to retrieve the bag pursuant to Rule 41(g). No. 05-cr-10053 (D. Kan. Dec. 14, 2016). There, the District Court for the District of Kansas held that it lacked authority to grant a Rule 41(g) motion because the “bag was seized by NASA in Texas.” *Id.* at 15. Based on the plain language of Rule 41(g), Plaintiff has jurisdiction to file a Rule 41(g) motion in the Southern District of Texas.

IT IS HEREBY ORDERED that Respondents' Motion to Dismiss is **DENIED**.
(**Instrument No. 5**). Plaintiff's Motion for Conference is **DENIED** as moot. (**Instrument No. 4**). Plaintiff's Motion for Return of Illegally Seized Property is set for a hearing on February 24, 2017 at 9:30 a.m. in Courtroom 9A. (Instrument No. 1). Respondents have 20 days from the date of this Order to respond to Plaintiff's Motion. (Instrument No. 1).

The Clerk shall enter this Order and provide a copy to all parties.

SIGNED on this the 24th day of January, 2017.



VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE